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Attorneys for Plaintiff

FILED

APR 15 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SALINAS DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 JOSEPH M. SANTILLAN,

17 Defendant.

Criminal No.: CR-08-00126-HRL

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME

19 On April 7, 2008, the parties in this case appeared before the Court for a status hearing. The
20 parties jointly requested that the case be continued from April 7, 2008, until June 2, 2008 at 9:30
21 a.m., in order to allow time for defendant's new counsel to review the case information. In
22 addition, the parties requested an exclusion of time under the Speedy Trial Act, from April 7,
23 2008 to 2 June, 2008 at 9:30 a.m. The parties agree and stipulate that an exclusion of time is
24 appropriate based on the defendant's need for effective preparation of counsel.

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STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
CASE NO: CR-08-00126-HRL

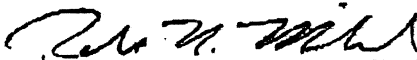
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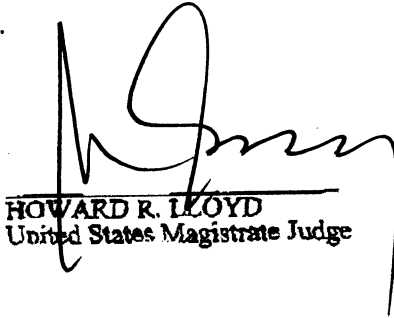
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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney2
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4 DATED: 10 April 2008
ROBERT N. MICHAELS
Special Assistant United States Attorney5
6
7 DATED: 10 April 2008
MANUAL ARAUJO
Counsel for SANTILLAN8
9
10 ORDER

11 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
12 under the Speedy Trial Act from April 7, 2008 to June 2, 2008. The Court finds, based on the
13 aforementioned reasons, that the ends of justice are served by granting the requested continuance
14 and outweigh the best interest of the public and the defendant in a speedy trial. The failure to
15 grant the requested continuance would deny defense counsel reasonable time necessary for
16 effective preparation, taking into account the exercise of due diligence, and would result in a
17 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
18 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20
21 DATED: 4/15/08
HOWARD R. LLOYD
United States Magistrate Judge